

### Remarks

This invention relates to a method and apparatus for controlling a digital video recording apparatus, in which, in response to the digital video recording apparatus being placed in a power on state, an on-screen display message indicates a numerical value representing a number of available video programs stored in a storage device. Nowhere does the art cited by the Examiner affect the patentability of the claimed invention.

Cited US 7,158,713 to Goto et al shows an apparatus which records information on two different media: a non-removable hard disk, and removable tape. The hard disc records a sequence of broadcast programs. Desired programs are dubbed onto the tape. Thumbnails of programs recorded on tape are recorded onto the hard disk. A user may cause thumbnails of the recorded programs to be displayed. If a user wants to determine the number of available programs associated with the apparatus, the user must count the number of thumbnails. Nowhere does Goto et al show or suggest:

“providing, in response to the digital video recording apparatus being placed in a power ON state, an initial on screen display message indicating a numerical value representing a number of available video programs stored in the storage device”,

as specifically set forth in Claim 1. The Examiner has admitted as much, and looks to cited US 4,746,994 to Ettlinger for this feature. The Applicant can not agree with the Examiner that both references relate to video editing systems. Nevertheless, nowhere does Ettlinger show or suggest an initial on screen display message indicating a numerical value representing a number of available video programs. Rather, the first display screen of Ettlinger, seen when the invention is started up, is a display which shows which data files are present on the disc in the lower

drive. If a user desires a numerical value representing a number of available video programs, such user must count the number of data files. See column 20, lines 11-15. It is therefore clear that even if the structure of Ettlinger were to be combined with the structure of Goto et al, the patentability of Claim 1 would not be affected.

Similarly, nowhere does either Goto et al or Ettlinger show or suggest:

the control means causing the generating means to generate, in response to the apparatus being placed in a power ON state, an initial on screen display message indicating a numerical value representing a number of available video programs stored in the storage device”,

as specifically set forth in Claim 10. It is therefore clear that the cited references, taken either singly or in combination, do not affect the patentability of Claim 10.

Claims 2-9 are dependent from Claim 1 and add further advantageous features. The Applicant submits that these subclaims are patentable as their parent Claim 1.

Similarly, Claims 11-18 are dependent from Claim 10, and add further advantageous features. The Applicant submits that these subclaims are patentable as their parent Claim 10.

The Examiner has cited a 1958 decision of the CCPA. The Applicant assumes that the Examiner meant to cite In Re Venner and Bowser, 262 F<sup>2</sup> 91, 120 USPQ 193, 46 CCPA 754 (1958). The Applicant submits that this decision does not affect the instant application.

In Re Venner and Bowser relates to a molding apparatus for pistons. The moment in time at which a piston is withdrawn from its mold is controlled by a timing device. The prior art shows such moment in time to be controlled by the operator of the molding apparatus. The CCPA stated that it is not “invention” to broadly provide a mechanical or

automatic means to replace manual activity which has accomplished the same result.

The instant invention provides, in response to the digital video recording apparatus being placed in a power on state, an initial on screen display message indicating a numerical value representing a number of available video programs stored in the storage device. The Examiner agrees that the prior art does not show such an initial on screen display message. Rather, in order for a user to determine the number of available programs stored in the storage device, the user must count the number of thumbnails. This is an additional step which does not occur in response to the digital video recording apparatus being placed in a power on state.

It is therefore clear that In Re Venner and Bowser has no application to the instant invention, since the prior art cited by the Examiner neither shows nor suggests any manual step, which occurs when the recording apparatus is placed in a power on state, which may be replaced by an automated step of providing an initial on-screen display message indicating a numerical value representing a number of available video programs stored in the storage device.

The Applicant therefore submits that this application is now in condition for allowance. A notice to that effect is respectfully solicited

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